

for certification of training courses and training agencies who provide education regarding asbestos removal and encapsulation to licensees. This readoption with technical changes would continue to impose requirements on applicants for and holders of licenses, permits, and certificates issued pursuant to the rules.

In addition to readopting the existing rules, DOH and DLWD are making technical changes throughout N.J.A.C. 8:60 and 12:120. These would include updating DOH's name by deleting "and Senior Services" throughout both chapters. At N.J.A.C. 8:60-2.1 and 12:120-2.1, and throughout both chapters, the DOH and DLWD are updating the name of the DOH program that administers N.J.A.C. 8:60 from "Environmental Health Services" to its current name, the "Consumer, Environmental and Occupational Health Service." In addition, at N.J.A.C. 8:60-4.7(a)3 and 12:120-4.7(a)3, and throughout both chapters, the DOH and DLWD are updating the name of the Department of Environmental Protection's rule, N.J.A.C. 7:26, from "Non-Hazardous Waste Regulations" to its current name, "Solid and Hazardous Waste Regulations."

DOH and DLWD have reviewed N.J.A.C. 8:60 and 12:120 and have determined that, subject to the technical changes, the existing chapters remain necessary, proper, reasonable, efficient, understandable, and responsive for the purposes for which they were originally promulgated, as amended and supplemented over time, and should be readopted. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 8:60 and 12:120 are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

8:60-1.1 (12:120-1.1) Title and citation

(a) (No change.)

(b) This chapter, as a Department of Health [and Senior Services] rule, shall be known as and may be cited as N.J.A.C. 8:60, Asbestos Licenses and Permits.

(c) [These rules] **N.J.A.C. 8:60 and 12:120** are a joint adoption of the Department of Labor and Workforce Development and the Department of Health [and Senior Services].

SUBCHAPTER 2. DEFINITIONS

8:60-2.1 (12:120-2.1) Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

...

"Approved" means acceptable to the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be.

...

"Certificant" means any training agency certified by the Department of Health [and Senior Services] pursuant to N.J.A.C. 8:60-6 and 12:120-6.

"[C.F.R.]**CFR**" means the Code of Federal Regulations.

...

"Commissioner of Health" means the Commissioner of Health [and Senior Services] or his or her authorized designee.

...

"Department of Health [and Senior Services]" means the **Consumer, Environmental and Occupational** Health Service[s] of the New Jersey Department of Health [and Senior Services], PO Box 360, Trenton, [N.J.] **NJ** 08625-0360.

...

"Instructor" means any person(s) hired by a training agency and approved by the Department of Health [and Senior Services] for the purpose of instructing a Department of [Health and Senior Services approved] **Health-approved** asbestos training course.

...

"Supervisor" means any person who has completed an asbestos supervisor training course approved by the Department of Health [and Senior Services] and who has successfully passed a written asbestos supervisor examination devised and administered under the approval of the Department of Health [and Senior Services] for the position of supervisor and who possesses a valid asbestos supervisor permit issued by the Department of Labor and Workforce Development.

...

"Trainee" means any person who is enrolled in an asbestos worker or asbestos supervisor training course approved by the Department of Health [and Senior Services].

"Training agency" means a training provider approved or certified by the Department of Health [and Senior Services] to conduct asbestos training courses.

"Training course" means any asbestos training course approved by the Department of Health [and Senior Services] in accordance with the requirements of N.J.A.C. 12:120 and 8:60.

...

"Worker" means a person who has completed an asbestos worker training course approved by the Department of Health [and Senior Services] and who has successfully passed a written asbestos worker examination devised and administered under the approval of the Department of Health [and Senior Services] for the position of worker and who possesses a valid asbestos worker permit issued by the Department of Labor and Workforce Development.

SUBCHAPTER 3. ADMINISTRATION

8:60-3.2 (12:120-3.2) Compliance

(a) (No change.)

(b) For the purpose of determining under (a) above whether an employer is performing any of the functions of application, enclosure, repair, removal, or encapsulation of asbestos in

any structure, or entering into any contract with the owner or owner's representative for the employer to perform such work and, therefore, whether the employer is required to comply with the provisions of this chapter and be issued a nontransferable license by the Commissioner of Labor and Workforce Development, the Department of Labor and Workforce Development and the Department of Health [and Senior Services] shall analyze all bulk samples obtained to determine the presence of asbestos utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, incorporated herein by reference, as amended and supplemented.

1. The Department of Labor and Workforce Development and the Department of Health [and Senior Services] shall analyze Category I non-friable asbestos containing material and other non-friable organically bound material utilizing the "Test Method -- Method for the Determination of Asbestos in Bulk Building Materials," EPA/600/R-93/116, July 1993, in the manner prescribed within the Appendix to this chapter.

(c) (No change.)

(d) Every employer and employee shall take all prudent measures to comply with written recommendations made by the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be.

8:60-3.3 (12:120-3.3) Interface of State agencies

(a) (No change.)

(b) The Department of Health [and Senior Services], under the provisions of this chapter, shall:

1. Certify training agencies [which] **that** use Department of [Health and Senior Services-approved] **Health-approved** courses to train workers and supervisors and to determine compliance by such training agencies with this chapter;

2. - 6. (No change.)

8:60-3.4 (12:120-3.4) Enforcement

(a) (No change.)

(b) The Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be, as an alternative to or in addition to the fines and imprisonment authorized in (a) above, may employ the following powers and remedies in enforcing their respective responsibilities under the Act:

1. Whenever either the Commissioner of Labor and Workforce Development or Health [and Senior Services] find that a person has violated any provision of the Act for which that Commissioner has the responsibility to enforce, that Commissioner may issue an administrative order to abate the violation. The administrative order must:

i. (No change.)

ii. Give notice of the person's right to an informal conference or hearing pursuant to N.J.A.C. 12:120-8 and 8:60-8, on the matters contained in the order. Upon a request for an informal conference or formal hearing, the Commissioner of Labor and Workforce Development or Health [and Senior Services] may grant a stay of the administrative order following review of a written request [which] **that** includes a factual basis and clearly supports the appropriateness of the stay.

2. Either the Commissioner of Labor and Workforce Development or Health [and Senior Services] may institute an action or proceeding in the Superior Court for injunctive or other relief for any violation of this Act for which the Commissioner has the responsibility to enforce and the court may proceed in the action in a summary manner.

(c) Either the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services] may assess a civil administrative penalty in accordance with N.J.A.C. 12:120-3.5 and 8:60-3.5, not to exceed \$25,000 for each violation of this Act for which that Commissioner has the responsibility to enforce.

1. – 3. (No change.)

4. Payment of the assessment of a civil administrative penalty is due upon issuance of a final order by the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services].

5. The Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services] may file a civil action to recover a civil administrative penalty with costs pursuant to the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.

(d) – (e) (No change.)

8:60-3.5 (12:120-3.5) Civil administrative penalties

(a) – (b) (No change.)

(c) In assessing a civil administrative penalty pursuant to this chapter, the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be, may consider the following factors, where applicable, in determining what constitutes an appropriate penalty for the particular violations:

1. – 6. (No change.)

(d) In addition to other sanctions in the Act or this chapter, the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be, shall have the authority to require:

1. – 5. (No change.)

SUBCHAPTER 4. LICENSING OF EMPLOYERS

8:60-4.2 (12:120-4.2) Exempted activities

(a) The Commissioner of Health [and Senior Services] may exempt from the license requirements those designated asbestos-related activities based on sufficient data which indicates that no significant exposure exists to perform such activity. Such data shall be

submitted to the Commissioner of Health [and Senior Services] for review at least 10 calendar days prior to the beginning of such work.

(b) (No change.)

8:60-4.4 (12:120-4.4) Eligibility for employer license

(a) The applicant, to be eligible for a license as an employer, shall:

1. Provide evidence of having successfully completed the training course and pass the written examination for asbestos abatement supervisors devised and administered under the approval of the Department of Health [and Senior Services] as set forth at N.J.A.C. 12:120-6.2 and 8:60-6.2;

2. – 3. (No change.)

8:60-4.5 (12:120-4.5) Granting of employer license

(a) – (d) (No change.)

(e) The Commissioner shall not grant a license unless the employer has certified that the employer's supervisor has completed a training course and examination certified and approved by the Department of Health [and Senior Services].

8:60-4.6 (12:120-4.6) Identification of licensee

(a) The license shall be available at the worksite for examination by the Commissioner of Labor and Workforce Development, Commissioner of Health [and Senior Services], the contracting agency, and the owner or the owner's representative.

(b) – (e) (No change.)

8:60-4.7 (12:120-4.7) License performance standards

(a) Every licensee shall ensure that all asbestos work performed conforms to those license performance standards as identified at N.J.A.C. 12:120-[4.4(a) 3]**4.4(a)3** and 8:60-4.4(a)3, including, but not limited to, the following:

1. – 2. (No change.)

3. Compliance with N.J.A.C. 7:26, [Non-Hazardous] **Solid and Hazardous Waste** Regulations; and

4. (No change.)

(b) – (d) (No change.)

8:60-4.8 (12:120-4.8) Suspension or revocation of employer license

(a) (No change.)

(b) Any employer shall have his or her license suspended or revoked for:

1. – 5. (No change.)

6. Any violation of an administrative order lawfully issued by the Commissioner of Labor and Workforce Development or the Commissioner of Health, [and Senior Services] as the case may be.

(c) – (h) (No change.)

SUBCHAPTER 5. REQUIREMENTS AND PROCEDURES FOR OBTAINING AN ASBESTOS WORKER OR AN ASBESTOS SUPERVISOR PERMIT

8:60-5.2 (12:120-5.2) Exempted activities

(a) The Commissioner of Health [and Senior Services] may exempt from the permit requirements those designated asbestos-activities based on sufficient data which indicates that no significant exposure exists to perform such activity. Such data shall be submitted to the Commissioner of Health [and Senior Services] for review at least 10 calendar days prior to the beginning of such work.

(b) (No change.)

8:60-5.3 (12:120-5.3) Requirements for obtaining an asbestos worker or an asbestos supervisor permit

(a) The Commissioner shall issue a permit to each applicant who satisfies the requirements listed below. The applicant shall:

1. (No change.)

2. Successfully complete either the asbestos abatement worker or asbestos abatement supervisor training course approved by the Department of Health [and Senior Services] and pass a written examination devised and administered under the approval of the Department of Health [and Senior Services] for each respective position[; and].

i. Proof of passing the written examination shall be submitted with the permit application[.]; **and**

3. (No change.)

8:60-5.4 (12:120-5.4) Procedures for completing training course and examination

(a) Each applicant required by this subchapter to complete asbestos training shall register at a training agency [which] **that** has been certified by the New Jersey Department of Health [and Senior Services] to offer such training. A list of certified training agencies is available from the Department of Health [and Senior Services].

1. The topics for worker training are set forth at N.J.A.C. 12:120-6.2 and 6.6 and [N.J.A.C.] 8:60-6.2 and 6.6;

2. The topics for supervisor training are set forth at N.J.A.C. 12:120-6.2 and 6.7 and [N.J.A.C.] 8:60-6.2 and 6.7; and

3. (No change.)

(b) Upon successful completion of the training course, each applicant shall register to take a written examination administered under the approval of the Department of Health [and Senior Services].

1. (No change.)

(c) – (j) (No change.)

8:60-5.8 (12:120-5.8) Identification of permit holder

(a) Each worker or supervisor performing asbestos work shall have their permits available at the job site and readily available for inspection by representatives of the Commissioners of the Department of Labor and Workforce Development and Health [and Senior Services] and of the contracting agency.

(b) – (g) (No change.)

8:60-5.10 (12:120-5.10) Renewal of permit

(a) An application for renewal of a permit shall be submitted at least 30 days prior to its expiration date. When the application for renewal is submitted within the required time period, the permit may continue in effect until the Commissioner renders a determination regarding the application. The applicant shall be notified in writing by the Department whether a valid extension has been granted. This validation together with the expired permit shall be carried upon the worker's person and be readily available for inspection by representatives of the Commissioners of the Departments of Labor and Workforce Development and Health [and Senior Services] and the contracting agency.

(b) – (d) (No change.)

SUBCHAPTER 6. CERTIFICATION OF TRAINING COURSES

8:60-6.1 (12:120-6.1) Scope of subchapter

This subchapter shall apply to the procedures and qualifications required to obtain and maintain or renew certification from the Commissioner of Health [and Senior Services] to conduct training courses on asbestos abatement as provided for in the Act. At a minimum, training courses shall meet the following requirements as set forth in this subchapter or 40 CFR 763, "Asbestos Model Accreditation Plan; Interim Final Rule," whichever is more stringent.

8:60-6.3 (12:120-6.3) Application for certification of training courses

(a) An applicant for certification of an asbestos abatement training course shall submit an application and a proposal on forms provided by the Department of Health [and Senior Services], specifying the following:

1. – 16. (No change.)

(b) (No change.)

(c) The applicant shall be required to successfully pass a pre-commencement inspection of the training facility conducted by the Department of Health [and Senior Services].

(d) The applicant shall immediately notify the Department of Health [and Senior Services] in writing of any change(s) in the application information occurring either prior to or after certification.

(e) A non-refundable application fee for annual certification in the amount of \$500.00 per discipline shall be forwarded with the application. The application fee shall be paid by certified check or money order and made payable to the New Jersey Department of Health [and Senior Services]. No liability shall be assumed by the Department for the loss in the transmission of the application.

(f) (No change.)

(g) Upon written request from the applicant, the Commissioner of Health [and Senior Services] may, at his or her discretion, waive the fees for certification of training agencies identified in (e) above.

1. – 2. (No change.)

8:60-6.4 (12:120-6.4) Training agency operating requirements

(a) – (c) (No change.)

(d) Certified training agencies shall ensure that at least one course instructor represents them at any meeting sponsored by the Department of Health [and Senior Services] for the purpose of maintaining uniform and high quality training courses among certificants.

(e) – (f) (No change.)

(g) All certified training agencies shall notify the Department of Health [and Senior Services] at least two weeks in advance of the beginning of any training course. All notifications shall be in writing and shall be submitted on forms provided by the Department of Health [and Senior Services]. If any course information changes, the training agency shall notify the Department of Health [and Senior Services] as soon as that agency becomes aware of such changes.

(h) (No change.)

(i) Certified training agencies shall submit instructor documentation meeting the requirements of N.J.A.C. 12:120-6.5 and 8:60-6.5 to the Department of Health [and Senior Services] for approval prior to allowing that instructor to conduct any training course.

(j) (No change.)

(k) Certified training agencies shall permit entry to all training courses by representatives of the Department of Health [and Senior Services] for the purposes of course evaluation and determination of compliance with this subchapter.

(l) – (m) (No change.)

(n) Certified training agencies shall permit representatives of the Department to inspect and evaluate these records. Upon request by the Department of Health [and Senior Services],

training agencies shall provide copies of all training records for the purpose of inspection, evaluation and compliance.

(o) Certified training agencies shall maintain training records for a minimum of five years. The Department of Health [and Senior Services] shall be notified and be given the opportunity to take possession of all training records should an agency cease to conduct training.

(p) Certified training agencies shall notify the Department of Health [and Senior Services], in writing, in advance of any changes in information submitted on its agency and course applications. Any course modifications made subsequently to certification shall require 10 days prior notification and shall be subject to Department of Health [and Senior Services] approval.

(q) Notwithstanding (g) above, certified training agencies shall notify the Department of Health [and Senior Services] in writing at least four weeks advance of any changes in their hands-on training site. Any changes in location and/or renovations to the site shall require a reinspection of the facility before training can be conducted at that site.

(r) (No change.)

(s) Certified training agencies shall cooperate fully with the Department of Health [and Senior Services] in all matters relating to the conduct of certified training courses, the administration of examinations, and the permitting of individuals pursuant to this chapter.

8:60-6.5 (12:120-6.5) Criteria for training course instructors

(a) To be eligible for certification of any training course, three or more course instructors shall be employed. A sufficient number of instructors shall be hired to ensure that all of the education and experience criteria for instructors set forth below are met:

1. (No change.)

2. All applicants applying for instructor approval after April 3, 1995, must take the New Jersey asbestos supervisor course and successfully complete the examination approved by the Department of Health [and Senior Services].

3. – 5. (No change.)

6. To qualify to teach the smoking cessation topics, instructors shall have successfully completed a course in smoking cessation approved by the Department of Health [and Senior Services].

8:60-6.8 (12:120-6.8) Criteria for topics in refresher training courses

(a) – (b) (No change.)

(c) The Department of Health [and Senior Services] reserves the right to require additional refresher training course topics within one month of a certified training agency's receipt of written notice.

8:60-6.9 (12:120-6.9) Granting of certification

(a) (No change.)

(b) An annual certification shall be granted to a training agency which has demonstrated the ability to meet the requirements of this subchapter, including course content, teaching methods, and instructor qualification based upon the application submission required by N.J.A.C. 12:120-6.3 and 8:60-6.3, and such investigation as the Commissioner of the Department of Health [and Senior Services] should deem necessary.

(c) (No change.)

(d) An annual letter of certification shall:

1. – 4. (No change.)

5. Be signed by the Commissioner of the Department of Health [and Senior Services] or his or her designee; and

6. (No change.)

8:60-6.10 (12:120-6.10) Renewal of training agency certification

(a) In order to approve a training agency certification renewal application, the Commissioner of Health [and Senior Services] shall determine, based upon the application, that:

1. – 4. (No change.)

(b) A complete application for renewal of a certification shall be submitted at least 30 days prior to the date of its expiration. When a complete application is submitted within the required time period, the certification shall continue in effect until the Commissioner of Health [and Senior Services] renders a final decision on the application.

(c) The annual application fee for renewal shall be \$500.00 per discipline. The application fee shall be submitted with the application and shall be non-refundable. The application fee shall be paid by certified check or money order and made payable to the New Jersey Department of Health [and Senior Services]. No liability shall be assumed by the Department of Health [and Senior Services] for the loss or delay in the transmission of the application fee.

(d) Upon written request from the applicant, the Commissioner of Health [and Senior Services] may, at his or her discretion, waive the fees for renewal of certification of training agencies identified to (c) above.

1. – 2. (No change.)

(e) – (f) (No change.)

8:60-6.11 (12:120-6.11) Suspension or revocation of training agency certification or instructor approval

(a) Any certified training agency may have its application denied, certification suspended or revoked, and/or shall be required to pay the administrative penalties set forth at N.J.A.C.

12:120-3.5 and 8:60-3.5 for each violation listed below:

1. (No change.)

2. Failure to adequately present either the topics set forth in this subchapter or any other materials required by the Department of Health [and Senior Services];

3. – 9. (No change.)

(b) (No change.)

(c) In all cases where the Commissioner of Health [and Senior Services] proposes to revoke or suspend certification or instructor approval, or denies an application for certification or instructor approval, the applicant shall have the right to an informal conference or formal hearing, or both, pursuant to N.J.A.C. 12:120-8 and 8:60-8.

SUBCHAPTER 7. ASBESTOS WORK NOTIFICATION REQUIREMENTS

8:60-7.1 (12:120-7.1) Purpose and scope of subchapter

(a) The purpose of this subchapter is to establish the requirements for notifying the Departments of Labor and Workforce Development and Health [and Senior Services] as to when and where asbestos work will be undertaken.

(b) (No change.)

8:60-7.2 (12:120-7.2) Notification requirements

(a) Every employer under the scope of this subchapter who plans to perform asbestos work in New Jersey shall submit a written notification of intent to perform asbestos work at least 10 calendar days prior to beginning such work on forms specified by the Department of Health, [and Senior Services] except where such work is exempted at N.J.A.C. 12:120-1.4(b) (8:60-1.4(b)).

1. – 5. (No change.)

(b) The written notification required by (a) above shall include:

1. – 9. (No change.)

10. Any other relevant information [which] **that** the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be, determines to be necessary.

(c) Amended written notifications shall be submitted in accordance with and pursuant to N.J.A.C. 12:120-7.2(a) and (b) and 8:60-7.2(a) and (b). Amended notifications to the Commissioner of Labor and Workforce Development and the Commissioner of Health [and Senior Services] are required when:

1. – 4. (No change.)

(d) The Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], as the case may be, may allow less than 10 calendar days prior notification where emergency circumstances warrant less than a [10 calendar day prior] **10-calendar-day-prior** notification.

1. Where emergency circumstances warrant less than a [10 calendar day prior] **10-calendar-day-prior** notification, an employer shall still be required to adhere to the remaining requirements of N.J.A.C. 12:120-7.2(a) and (b) and 8:60-7.2(a) and (b) when it plans to perform asbestos work in New Jersey.

2. To enable the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services] to determine whether a waiver of the [10 calendar day prior] **10-calendar-day-prior** notification may be granted, the notifying party shall:

i. Submit a written explanation from the facility owner or from the [third party] **third-party** environmental engineer representing the facility owner to both

the Commissioner of Labor and Workforce Development and the Commissioner of Health [and Senior Services] which details:

(1) (No change.)

(2) The impact upon the facility owner should a waiver of the [10 calendar day prior] **10-calendar-day-prior** notification not be granted.

ii. (No change.)

3. A request for a waiver of the 10 calendar days prior notification may be reviewed for approval by the Commissioner of Labor and Workforce Development or Health [and Senior Services] when received by facsimile transmission or express delivery. Only after the Commissioner of Labor and Workforce Development or Health [and Senior Services] has determined and has authorized that the emergency circumstance warrants a waiver, may the asbestos work proceed as notified.

(e) Written notifications required pursuant to this subchapter shall be submitted to:

New Jersey Department of Labor and Workforce Development

Asbestos Control and Licensing Section

1 John Fitch Plaza, 3rd Floor

PO Box 392

Trenton, NJ 08625-0392

and

New Jersey Department of Health [and Senior Services]

Consumer [and], Environmental **and Occupational** Health Service[s]

PO Box 369

Trenton, NJ 08625-0369

SUBCHAPTER 8. APPEALS AND COMPLAINTS

8:60-8.1 (12:120-8.1) Scope of subchapter

This subchapter shall apply to the procedures for appealing any action or inaction by the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services], under the Act, including, the revocation, suspension, or refusal to renew a license or permit, or denial of an application for a license or permit; the denial, revocation, or suspension of a training agency certification or instructor approval; and the assessment of a civil administrative penalty. It shall also apply to the procedures for filing a citizen complaint alleging a violation of the Act.

8:60-8.2 (12:120-8.2) Appeals

(a) Any individual who is aggrieved by any action or inaction of the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services] or his or her designee, under this chapter, shall have the right to an informal conference under (c) below or a formal hearing under (d) below or both upon receipt by the Commissioner of Labor and Workforce Development or Health [and Senior Services], as the case may be, of a written request within 10 calendar days of receipt of notice of the proposed agency action.

(b) In the interest of protecting employee or public health and safety, the Commissioner of Labor and Workforce Development or the Commissioner of Health [and Senior Services] may suspend a license, permit, instructor approval or training agency certification prior to a hearing. When the license, permit, training agency certification, or instructor approval has been suspended, the aggrieved person shall have the right to a hearing within 10 calendar days of the notice of suspension.

(c) Upon receipt of the written request, an informal conference shall be held before a designee of the Commissioner of Labor and Workforce Development or Health [and Senior Services], as the case may be, within 30 calendar days. The designee of the Commissioner of Labor and Workforce Development or Health, [and Senior Services] as the case may be, shall

render a decision within 45 calendar days of the conference. Such decision shall state the findings and conclusions and shall be transmitted to the aggrieved person.

(d) Any party who disagrees with the decision of the Commissioner of Labor and Workforce Development or [Health and Senior Services'] **Health's** designee may submit a written request for a formal hearing in accordance with (e) below.

(e) – (g) (No change.)

8:60-8.3 (12:120-8.3) Citizen complaints

(a) Any person who believes a violation of the provisions of the Act has occurred may file a citizen complaint petitioning the Commissioner of Labor and Workforce Development or Health [and Senior Services] to bring an enforcement action. The citizen complaint shall specify:

1. – 3. (No change.)

(b)-(c) (No change.)

SUBCHAPTER 9. STANDARDS AND PUBLICATIONS REFERRED TO IN THIS CHAPTER

8:60-9.1 (12:120-9.1) Documents referred to by reference

(a) The full title and edition of each of the standards and publications referred to in this chapter are as follows:

1. (No change.)

2. N.J.A.C. 1:1, Uniform **Administrative** Procedure Rules;

3. (No change.)

4. N.J.A.C. 7:26, [Non-Hazardous] **Solid and Hazardous** Waste Regulations;

5. – 10. (No change.)

APPENDIX

For the purpose of analyzing Category I non-friable asbestos containing material and other non-friable organically bound material, the Department of Labor and Workforce

Development and the Department of Health [and Senior Services] shall utilize the "Test Method -- Method for Determination of Asbestos in Bulk Building Materials," EPA/600/ R-93/116, July 1993, in the following manner:

1. – 4. (No change.)